

In Re: Case No.: 16-34175 (JKS)
RASA KAPITANYUK AND MARK KAPITANIUK, Chapter: 7
DEBTORS. Judge: John K. Sherwood

NOTICE OF PROPOSED COMPROMISE or SETTLEMENT OF CONTROVERSY

Steven P. Kartzman, Chapter 7 Trustee, in this case proposes a compromise, or to settle a claim and/or action as described below. If you object to the settlement or compromise, you must file a written objection with the Clerk of the United States Bankruptcy Court, and serve it on the person named below not later 7 days before the hearing date.

Address of the Clerk:	Jeanne A. Naughton, Clerk Martin Luther King, Jr. Federal Building 50 Walnut Street, P.O. Box 1352 Newark, New Jersey 07102
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If an objection is filed, a hearing will be held before the Honorable John K. Sherwood on July 25, 2017 at 10:00 a.m. at the United States Bankruptcy Court, Courtroom No. 3D, 50 Walnut Street, Newark, New Jersey (hearing to be scheduled for at least 28 days from the date of the filing of the notice). If no objection is filed the clerk will enter a *Certification of No Objection* and the settlement may be completed as proposed.

Nature of action: In connection with the Chapter 7 Trustee's investigation of the Debtors' financial affairs, the Trustee asserted that the Debtors were entitled to receive income from pre-petition accounts receivable totaling approximately \$17,995 (the "Accounts Receivable") and had an interest in dental lab equipment (the "Equipment") valued at approximately \$35,040. The Debtors have asserted a substantive defense that the Accounts Receivable and Equipment are subject to exemption and are not property of the estate, or in any event have a lesser value. After application of the exemptions under 11 U.S.C. § 522(d)(5) and (6), the Trustee asserted that the estate was entitled to a turnover or payment of \$38,000.

Pertinent terms of settlement: The Debtors shall pay to the Trustee the sum of \$35,000 in settlement of the estate's interest in the Accounts Receivable and the Equipment (the "Settlement Amount"), with an initial payment of \$5,000 to be made to the Trustee upon execution of the consent order and the remaining Settlement Amount to be paid over a period of thirty (30) months at \$1,000 per month. Upon receipt of the Settlement Amount in full, the Trustee shall abandon the estate's interest in the Accounts Receivable and Equipment. The Trustee believes that the settlement is in the best interests of the estate as it maximizes value and will avoid unnecessary litigation, the cost of which would necessarily diminish any additional recovery.

Objections must be served on, and requests for additional information directed to:

Name: /s/ Steven P. Kartzman, Esq., c/o Mellinger, Sanders & Kartzman, LLC

Address: 101 Gibraltar Drive, Suite 2F, Morris Plains, New Jersey 07950

Telephone No.: 973-267-0220

Certificate of Notice Page 2 of 3
United States Bankruptcy Court
District of New JerseyIn re:
Rasa Kapitanyuk
Mark Kapitaniuk
DebtorsCase No. 16-34175-JKS
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf905Page 1 of 2
Total Noticed: 24

Date Rcvd: Jun 26, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 28, 2017.

db/jdb Rasa Kapitanyuk, Mark Kapitaniuk, 35A West Stanover Ave, Randolph, NJ 07869
 aty +Mellinger, Sanders & Kartzman, LLC, 101 Gibraltar Drive, Morris Plains, NJ 07950-1287
 aty +Mellinger, Sanders & Kartzman, LLC, 101 Gibraltar Drive, Suite 2F,
 Morris Plains, NJ 07950-1287
 cr +Deutsche Bank National Trust Company, Robertson, Anschutz & Schneid P.L.,
 6409 Congress Ave. Suite 100, Boca Raton, FL 33487-2853
 cr +Toyota Motor Credit Corp., 14841 Dallas Pky., Dallas, TX 75254-7685
 acc Withum Smith & Brown, PC, 200 Jefferson Park, Suite 400, Whippany, NJ 07981-1070
 516758435 American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 516559476 +Amex, P.O. Box 981537, El Paso, TX 79998-1537
 516559477 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bankamerica, Po Box 982238, El Paso, TX 79998)
 516559478 +Chase Card, Po Box 15298, Wilmington, DE 19850-5298
 516559479 +Citi, Po Box 6241, Sioux Falls, SD 57117-6241
 516559482 +Real Time Resolutions, 4909 Savarese Cir, Tampa, FL 33634-2413
 516559483 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Motor Credit, 4 Gatehall Dr Ste 350,
 Parsippany, NJ 07054)
 516559484 +Westgate Resort, 2801 Winter Garden Rd, Ocoee, FL 34761-2965

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jun 26 2017 21:22:19 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jun 26 2017 21:22:18 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 app +E-mail/Text: atkinsappraisal@aol.com Jun 26 2017 21:22:17 A. Atkins Appraisal Corp.,
 122 Clinton Road, Fairfield, NJ 07004-2900
 cr +E-mail/PDF: gecscedi@recoverycorp.com Jun 26 2017 21:11:54
 Synchrony Bank c/o PRA Receivables Management, LLC, Valerie Smith, PO BOX 41021,
 Norfolk, VA 23541-1021
 516613938 E-mail/Text: mrdiscen@discover.com Jun 26 2017 21:22:14 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 516559480 +E-mail/Text: mrdiscen@discover.com Jun 26 2017 21:22:14 Discover Fin Svcs Llc,
 Po Box 15316, Wilmington, DE 19850-5316
 516559481 +Fax: 407-737-5634 Jun 26 2017 21:38:26 Ocwen Loan Servicing L, 1661 Worthington Rd,
 West Palm Beach, FL 33409-6493
 516630993 E-mail/Text: bkdepartment@rtresolutions.com Jun 26 2017 21:22:23
 Real Time Resolutions, Inc., 1349 Empire Central Drive, Suite #150,
 Dallas, Texas 75247-4029
 516896460 E-mail/Text: bkdepartment@rtresolutions.com Jun 26 2017 21:22:23
 Real Time Resolutions, Inc., 1349 Empire Central Drive, Suite #150,
 Dallas, Texas 75247-4029, Real Time Resolutions, Inc.,
 1349 Empire Central Drive, Suite #150, Dallas, Texas 75247-4029
 516654795 +E-mail/PDF: gecscedi@recoverycorp.com Jun 26 2017 21:11:28 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

app* +A. Atkins Appraisal Corp., 122 Clinton Road, Fairfield, NJ 07004-2900
 516896459* Real Time Resolutions, Inc., 1349 Empire Central Drive, Suite #150,
 Dallas, Texas 75247-4029

TOTALS: 0, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-2

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Total Noticed: 24

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***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 28, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 23, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com
Joseph R Zapata, Jr. on behalf of Trustee Steven P. Kartzman jzapata@msklaw.net
Miriam Rosenblatt on behalf of Creditor Deutsche Bank National Trust Company
bkyecf@rasflaw.com, mrosenblatt@rasflaw.com
Steven P. Kartzman kartztee@optonline.net,
jzapata@msklaw.net;nj16@ecfcbis.com;ncorona@msklaw.net;angiea@msklaw.net
Todd S Cushner on behalf of Debtor Rasa Kapitanyuk todd@thegtcfirm.com,
amanda@thegtcfirm.com;dana@thegtcfirm.com;amerritt@thegtcfirm.com;jgiorgi@thegtcfirm.com
Todd S Cushner on behalf of Joint Debtor Mark Kapitaniuk todd@thegtcfirm.com,
amanda@thegtcfirm.com;dana@thegtcfirm.com;amerritt@thegtcfirm.com;jgiorgi@thegtcfirm.com
U.S. Trustee. USTPRegion03.NE. ECF@usdoj.gov

TOTAL: 7